

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

SONAL N. MEHTA (SBN 222086)
Sonal.Mehta@wilmerhale.com
2600 El Camino Real, Suite 400
Palo Alto, California 94306
Telephone: (650) 858-6000

DAVID Z. GRINGER (*pro hac vice*)
David.Gringer@wilmerhale.com
7 World Trade Center
250 Greenwich Street
New York, New York 10007
Telephone: (212) 230-8800

ARI HOLTZBLATT (*pro hac vice*)
Ari.Holtzblatt@wilmerhale.com

MOLLY M. JENNINGS (*pro hac vice*)

Molly.Jennings@wilmerhale.com
1875 Pennsylvania Ave NW
Washington, DC 20006
Telephone: (202) 663-6000

Attorneys for Defendant Meta Platforms, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MAXIMILIAN KLEIN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
Corporation headquartered in California,

Defendant.

Case No. 3:20-cv-08570-JD

**MOTION TO CONTINUE
HEARING ON DEFENDANT META
PLATFORMS, INC.'S MOTION TO
DISMISS PURSUANT TO LOCAL
RULES 6-3 & 7-7(b)**

Judge: Hon. James Donato

MOTION TO CONTINUE

Pursuant to Civil Local Rules 6-3 and 7-7(b), Defendant Meta Platforms, Inc. hereby files this Motion to Continue the Hearing on Meta’s Motion to Dismiss the Consolidated Advertiser Class Action Complaint from Thursday, May 26, 2022 at 10:00 AM, to Thursday, June 23, 2022 at 10:00 AM or thereafter as convenient for the Court to give the JPML time to resolve the Motion to Vacate pending before it and thereby allow this Court to avoid potentially unnecessary work resolving Meta’s Motion to Dismiss.¹ On April 27, 2022, Meta requested that Advertisers agree to stipulate to moving the hearing date from May 26 to June 23. Counsel for Advertisers stated that they would not so stipulate, and would oppose any motion to continue the hearing.

On March 21, 2022, Meta noticed a hearing date of 10:00 AM on May 26, 2022 for its Motion to Dismiss. *See* ECF No. 262. As Meta has advised the Court (ECF Nos. 260, 262 at 1 n.1), on March 21, 2022—the same day that Meta filed its Motion to Dismiss and noticed a hearing on that motion—the JPML issued a Conditional Transfer Order with Simultaneous Separation and Remand, transferring Advertisers’ First Amended Complaint to the multidistrict litigation *In re: Google Digital Advertising Antitrust Litigation*, MDL No. 3010 (J.P.M.L.). *Id.* at ECF No. 169. Advertisers filed a Notice of Opposition to Conditional Transfer Order on March 28, 2022 (ECF Nos. 264, 272). Three days later, on March 31, 2022, the JPML noticed an accelerated briefing schedule on Oppositions to its Conditional Transfer Order, and set the matter for its May 26, 2022 hearing session (ECF No. 265). On April 14, 2022, the JPML designated Advertisers’ Motion to Vacate Conditional Transfer Order (“Motion to Vacate”) “for consideration without oral argument.” *In re: Google*, MDL No. 3010, ECF No. 189. Meta expects that the JPML will resolve Advertisers’ Motion to Vacate on the papers close in time to its previously scheduled May 26, 2022 hearing.

Thus, Meta seeks to move the hearing on its Motion to Dismiss to Thursday, June 23, 2022 at 10:00 AM or thereafter so that the Court will not be unnecessarily burdened in the event the Motion to Vacate is denied in whole or in part. If the JPML denies Advertisers’ Motion to Vacate,

¹ Meta requests that the date not be reset earlier because Defendant’s lead counsel has previously-booked non-refundable international family travel scheduled in early June.

1 then a hearing on Meta's Motion to Dismiss in this Court would be unnecessary because
 2 Advertisers' case will be transferred to the multidistrict litigation. If the JPML grants the motion,
 3 then a June 23 hearing date would give the Court sufficient time to prepare for the hearing after
 4 the JPML's decision issues. Moving the hearing date therefore conserves judicial resources by
 5 avoiding the possibility that the Court will prepare for a hearing that ultimately is unnecessary.
 6 On the flip side, while both sides of course share an interest in timely adjudication of the motion
 7 to dismiss, there is no prejudice to Plaintiffs from a brief delay in the hearing date. Discovery is
 8 ongoing and there is no deadline triggered by the hearing on Meta's Motion to Dismiss.

9 The parties have previously stipulated to time modifications to the briefing schedules for
 10 the Motion to Dismiss (ECF Nos. 241, 266). The Court has also adjusted the deadline for
 11 numerous discovery briefs, hearings, case management conferences, and other filings during the
 12 pendency of this litigation. The proposed change to the date of the hearing will not alter the date
 13 of any other event or deadline already fixed by Court order.

14 For the foregoing reasons, Meta requests that the hearing on its Motion to Dismiss,
 15 currently set for May 26, 2022, at 10:00 AM, be moved to June 23, 2022, at 10:00 AM.

16 DATED: May 3, 2022

Respectfully submitted,

17 By: /s/ Sonal N. Mehta
 18 **WILMER CUTLER PICKERING HALE**
AND DORR LLP

19 Sonal N. Mehta (Bar No. 222086)
 20 2600 El Camino Real, Suite 400
 21 Palo Alto, California 94306
 Telephone: (650) 858-6000
 Email: Sonal.Mehta@wilmerhale.com

22 David Z. Gringer (admitted *pro hac vice*)
 23 7 World Trade Center
 24 250 Greenwich Street
 New York, New York 10007
 Telephone: (212) 230-8800
 Email: David.Gringer@wilmerhale.com

26 Ari Holtzblatt (admitted *pro hac vice*)
 27 Molly M. Jennings (admitted *pro hac vice*)
 28 1875 Pennsylvania Avenue NW
 Washington, DC 20006
 Telephone: (202) 663-6000

Email: Ari.Holtzblatt@wilmerhale.com
Email: Molly.Jennings@wilmerhale.com

Attorneys for Defendant Meta Platforms, Inc.

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